

Senate File 248 - Introduced

SENATE FILE 248

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A BILL FOR

1 An Act relating to educational instruction and course content
2 primarily over the internet.

3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

1 Section 1. Section 256.7, subsection 32, paragraph a, Code
2 2017, is amended to read as follows:

3 ~~a.~~ Adopt rules for online learning in accordance with
4 sections ~~256.41~~, 256.42, and 256.43, and criteria for waivers
5 granted pursuant to section 256.42.

6 Sec. 2. Section 256.7, subsection 32, paragraphs b and c,
7 Code 2017, are amended by striking the paragraphs.

8 Sec. 3. Section 256.9, subsection 56, Code 2017, is amended
9 to read as follows:

10 56. Develop and establish an online learning program model
11 in accordance with rules adopted pursuant to section 256.7,
12 subsection 32, paragraph ~~"a"~~, and in accordance with section
13 256.43.

14 Sec. 4. Section 256.41, Code 2017, is amended to read as
15 follows:

16 **256.41 Online learning requirements — ~~legislative findings~~**
17 **~~and declarations.~~**

18 1. ~~The general assembly finds and declares the following:~~

19 ~~a. That prior legislative enactments on the use of~~
20 ~~telecommunications in elementary and secondary school classes~~
21 ~~and courses did not contemplate and were not intended to~~
22 ~~authorize participation in open enrollment under section 282.18~~
23 ~~for purposes of attending online schools, contracts to provide~~
24 ~~exclusively or predominantly online coursework to students, or~~
25 ~~online coursework that does not use teachers licensed under~~
26 ~~chapter 272 for instruction and supervision.~~

27 ~~b. That online learning technology has moved ahead of Iowa's~~
28 ~~statutory framework and the current administrative rules of the~~
29 ~~state board, promulgated over twenty years ago, are inadequate~~
30 ~~to regulate today's virtual opportunities.~~

31 A school district providing educational instruction and
32 course content delivered primarily over the internet shall
33 do all of the following with regard to such instruction and
34 content:

35 a. Monitor and verify full-time student enrollment, timely

1 completion of graduation requirements, course credit accrual,
2 and course completion.

3 b. Monitor and verify student progress and performance
4 in each course through a school-based assessment plan that
5 includes submission of coursework and security and validity of
6 testing.

7 c. Conduct parent-teacher conferences.

8 d. Administer assessments required by the state to all
9 students in a proctored setting and pursuant to state law.

10 2. Online learning curricula shall be provided and
11 supervised by a teacher licensed under [chapter 272](#).

12 Sec. 5. Section 256.42, subsections 3 and 9, Code 2017, are
13 amended by striking the subsections.

14 Sec. 6. Section 256.42, subsection 7, unnumbered paragraph
15 1, Code 2017, is amended to read as follows:

16 The department may waive ~~for one year~~ at its discretion
17 the provisions of [section 256.11, subsection 5](#), which require
18 that specified subjects be offered and taught by professional
19 staff of a school district or school, if the school district or
20 school makes every reasonable and good-faith effort to employ
21 a teacher licensed under [chapter 272](#) for such a subject, and
22 the school district or school proves to the satisfaction of
23 the department that the school district or school is unable to
24 employ such a teacher. The specified subject shall be provided
25 by the initiative. ~~The~~ However, the specified subject may
26 instead be provided by the school district or school if all of
27 the following conditions are met:

28 Sec. 7. Section 256.42, subsection 8, Code 2017, is amended
29 to read as follows:

30 8. The department shall establish fees payable by school
31 districts and accredited nonpublic schools participating in
32 the initiative. Fees collected pursuant to [this subsection](#)
33 are appropriated to the department to be used only for the
34 purpose of administering [this section](#) and shall be established
35 so as not to exceed the budgeted cost of administering this

1 ~~section to the extent not covered by the moneys appropriated~~
 2 ~~in [subsection 9](#)~~. Providing professional development
 3 necessary to prepare teachers to participate in the initiative
 4 shall be considered a cost of administering [this section](#).
 5 Notwithstanding [section 8.33](#), fees collected by the department
 6 that remain unencumbered or unobligated at the close of the
 7 fiscal year shall not revert but shall remain available for
 8 expenditure for the purpose of expanding coursework offered
 9 under the initiative in subsequent fiscal years.

10 Sec. 8. Section 256.43, subsection 1, paragraph i, Code
 11 2017, is amended to read as follows:

12 *i.* Criteria for school districts or schools to use when
 13 choosing providers of online learning to meet the online
 14 learning program requirements specified in rules adopted
 15 pursuant to [section 256.7, subsection 32](#), ~~paragraph "a"~~.

16 Sec. 9. Section 256.43, subsection 2, Code 2017, is amended
 17 to read as follows:

18 *2. Private providers.* At the discretion of the school board
 19 or authorities in charge of an accredited nonpublic school,
 20 after consideration of circumstances created by necessity,
 21 convenience, and cost-effectiveness, courses developed by
 22 private providers may be utilized by the school district or
 23 school in implementing a high-quality online learning program.
 24 Courses obtained from private providers shall be taught by
 25 teachers licensed under [chapter 272](#). A school district may
 26 provide courses developed by private providers and delivered
 27 primarily over the internet to pupils who are participating in
 28 open enrollment under section 282.18.

29 Sec. 10. Section 282.18, subsection 7, Code 2017, is amended
 30 to read as follows:

31 *7. a.* A pupil participating in open enrollment shall be
 32 counted, for state school foundation aid purposes, in the
 33 pupil's district of residence. A pupil's residence, for
 34 purposes of [this section](#), means a residence under section
 35 282.1.

b. (1) The board of directors of the district of residence shall pay to the receiving district the sum of the state cost per pupil for the previous school year plus either the teacher leadership supplement state cost per pupil for the previous fiscal year as provided in [section 257.9](#) or the teacher leadership supplement foundation aid for the previous fiscal year as provided in [section 284.13, subsection 1](#), paragraph "e", if both the district of residence and the receiving district are receiving such supplements, plus any moneys received for the pupil as a result of the non-English speaking weighting under [section 280.4, subsection 3](#), for the previous school year multiplied by the state cost per pupil for the previous year. If the pupil participating in open enrollment is also an eligible pupil under [section 261E.6](#), the receiving district shall pay the tuition reimbursement amount to an eligible postsecondary institution as provided in [section 261E.7](#).

17 (2) If a pupil participates in an extracurricular activity
18 in accordance with subsection 11A, the district of residence
19 may deduct an activity fee from the amount calculated in
20 subparagraph (1). The amount of an activity fee shall not
21 exceed the lesser of the actual cost of providing the activity
22 to the pupil or fifteen percent of the state cost per pupil for
23 the previous school year.

24 Sec. 11. Section 282.18, Code 2017, is amended by adding the
25 following new subsection:

26 NEW SUBSECTION. 11A. A pupil participating in open
27 enrollment for purposes of receiving educational instruction
28 and course content primarily over the internet in accordance
29 with section 256.7, subsection 32, may participate in any
30 extracurricular activities offered to children in the pupil's
31 grade or group and sponsored by the district of residence under
32 the same conditions and requirements as the pupils enrolled in
33 the district of residence.

EXPLANATION

35 The inclusion of this explanation does not constitute agreement with

1 the explanation's substance by the members of the general assembly.

2 This bill eliminates provisions requiring that the state
3 board adopt rules prohibiting or limiting the open enrollment
4 of students whose educational instruction and course content
5 are delivered primarily over the internet. The bill authorizes
6 school districts to provide courses developed by private
7 providers and delivered primarily over the internet to pupils
8 who are participating in open enrollment.

9 Current law limits to one year the waiver that the department
10 may issue to school districts and accredited nonpublic schools
11 relating to the educational program that online schools must
12 offer and teach. The bill strikes the one-year limitation on
13 the waiver and provides for departmental discretion in issuing
14 such a waiver.

15 The bill allows a pupil who is participating in open
16 enrollment for purposes of online instruction to participate in
17 extracurricular activities in the district of residence under
18 the same conditions and requirements as pupils enrolled in the
19 district of residence.

20 The bill permits the school district of residence to deduct
21 an activity fee in an amount not to exceed the actual cost
22 of providing the activity or 15 percent of the state cost
23 per pupil for the previous year from the total amount the
24 school district is required to pay to the receiving school
25 district when such a pupil participates in any extracurricular
26 activities in the pupil's grade or group that is sponsored by
27 the district of residence.